

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permits 15699, 15700,)
and 15701 Issued on Applications)
5643-A, 14602, and 20532,)
UNITED STATES BUREAU OF RECLAMATION)
Permittee)

Order: WR 78-14

Source: Pit River

County: Modoc

ORDER GRANTING EXTENSIONS OF
TIME AND AMENDING PERMITS

BY BOARD MEMBER ADAMS:

Applications 5643-A (Permit 15699) and 20532 (Permit 15701) were originally state filings. One of the provisions in the assignment of the permits to the Bureau of Reclamation (Bureau) was that if by December 31, 1970, or upon further extension of time by the California Water Commission, the Allen Camp Unit of the Central Valley Project (CVP) was not authorized by Congress, the applications would revert to the State. Application 14602 (Permit 15700) also covers the Allen Camp Project, but it was filed by the Pit Soil Conservation District and was not a state project coming within requirement of authorization prior to December 31, 1970. Under the terms of the permits construction was to begin on or before June 1, 1969.

On December 17, 1970, the Bureau petitioned for an extension of time to December 31, 1974, in which to obtain congressional authorization of the Allen Camp Unit of the CVP as required by the terms of Permits 15699 and 15701. The Board granted the petition after having received no objection from interested parties who were given 30 days notice of the pending petition.

On November 18, 1974, the Bureau filed a petition for a further extension of time until December 31, 1976 to obtain congressional authorization of the Allen Camp Project. A protest to the extension of time to proceed under the permits was filed by Doctor Peter P. Moyle, Fish Biologist, on the basis of the project's potential damage to fish life, particularly the Modoc Sucker, which is an endangered fish specie. Since the filing of the protest, the permittee and protestant have agreed to the dismissal of the protest provided certain terms are added to the permits. The proposed permit terms are necessary to protect the fishery resource affected by the permittee's project, are in the public interest, and Permits 15699, 15700 and 15701 should be amended to include them.

The Sierra Club appeared at the hearing as an interested party opposing the granting of the petitions for extension of time. Its principal concern is with the effect of the project on the overall water quality of the stream system and the project's effect on the environment. The Department of Fish and Game also appeared as an interested party. Its principal concern was with the effect of the project on the Modoc Sucker and other fish in the Pit River. Both interested parties contend that the Bureau should be required to submit a complete Environmental Impact Statement (EIS) prior to congressional approval of the project. The Department of Fish and Game also requested the Board to add a term to the Bureau's permits requiring it to submit a compensation plan to offset any damage to the fishery from the project prior to congressional authorization of the project.

On March 29, 1976, a hearing was held before the State Water Resources Control Board to determine whether the time allowed to obtain congressional authorization of the Allen Camp Project pursuant to Permits 15699 and 15701 should be extended and whether the time allowed to commence construction pursuant to said permits and Permit 15700, which had expired, should be extended also. Also to be considered was any effect upon the environment that would result from the

granting of the petitions. Evidence having been presented and received at said hearing and having been duly considered, the Board finds as follows:

1. On September 28, 1976, P.L. 94-423 was enacted which authorizes the appropriation for the fiscal year 1978 and thereafter, the sum of \$64,220,000 for the construction of the Allen Camp Project along with further costs incidental to such project. Therefore, the time to obtain Congressional authorization need only be extended to October 1, 1976.

The proposed terms which would require the Bureau to prepare an EIS and a compensation plan to offset any damage to the fishery by the project prior to submitting the project for Congressional authorization appear inappropriate inasmuch as the terms agreed to by the Bureau, set forth below, provide adequate protection for the fishery interests without unduly interfering with administrative processes.

2. Permits 15699, 15700 and 15701 should be amended to include the following terms agreed upon by the Bureau and the protestant Peter B. Moyle:

- a. *Prior to filing the Final Environmental Impact Statement (EIS) with the Council of Environmental Quality (CEQ), the permittee shall report to the Board on the status, distribution, and ecological requirements of the Modoc Sucker (Castostomus microps) and other potentially endangered or threatened species which may be adversely affected by the Allen Camp Unit, Central Valley Project.*
- b. *The State Water Resources Control Board reserves jurisdiction for the purpose of formulating terms and conditions for the protection and preservation of the Modoc Sucker (Castostomus microps) if it is found to be endangered or threatened and other potentially endangered or threatened species which may be adversely affected by the Allen Camp Unit. Such reserved jurisdiction shall be exercised prior to filing of permittee's EIS with CEQ.*

3. The Order granting any extension of time should also include the following standard permit terms which the Board has adopted since Permits 15699, 15700, 15701 were issued:

- a. *The State Water Resources Control Board reserves jurisdiction over this permit for the purpose of conforming the season of diversion to later findings of the Board on prior applications involving water in the Sacramento River Basin and Delta. Action by the Board will be taken only after notice to interested parties and opportunity for hearing.*
- b. *In order to prevent degradation of the quality of water during and after construction of the project, prior to commencement of construction permittee shall file a report pursuant to Water Code Section 13260 and shall comply with any waste discharge requirements imposed by the California Regional Water Quality Control Board, Central Valley Region, or by the State Water Resources Control Board.*

The terms as related to water quality should adequately protect the quality of the waters affected by the project.

4. As the Bureau has not completed its required EIS, the impact of the project on the environment cannot now be adequately determined.

5. The Bureau estimated that following congressional approval, which occurred in September 1976, there will be a pre-construction period of about two years. The actual construction of the project will take five years. The time to commence construction shall be extended to December 1, 1981; the time to complete shall be extended to December 1, 1986; and the time to place the water to beneficial use pursuant to the permits shall be extended to December 1, 1988.

IT IS SO ORDERED.

Dated: September 25, 1978

/S/ W. W. ADAMS

W. W. Adams, Member

/S/ W. DON MAUGHAN

W. Don Maughan, Vice Chairman

WE CONCUR:

/S/ JOHN E. BRYSON

John E. Bryson, Chairman

/S/ WILLIAM J. MILLER

William J. Miller, Member

/S/ L. L. MITCHELL

L. L. Mitchell, Member

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permits 15699 and
15701 (Applications 5643A and 20532)
of the United States Bureau of
Reclamation to Appropriate from the
Pit River in Modoc County

ORDER EXTENDING TIME

On October 2, 1964, the California Water Commission assigned to the United States of America, Department of the Interior, Bureau of Reclamation, a portion of Application 5643 (now referred to as 5643A) and Application 20532 in its entirety for permits to appropriate water from Pit River for operation of the Allen Camp Unit of the Central Valley Project, upon condition, among other things, that said assignments would be considered to be of no effect and the assigned applications would revert to the California Water Commission if the proposed Allen Camp Unit, Central Valley Project is not authorized by Congress prior to December 31, 1970, or such further time as might be allowed by the Commission. The State Water Resources Control Board has succeeded to the authority of the California Water Commission with respect to said applications. In 1968 the Board approved said applications and permits were issued to the Bureau of Reclamation.

On December 17, 1970, the Bureau of Reclamation filed a request for an extension of time until December 31, 1974, to allow for congressional authorization of the Allen Camp Unit Project. The request states that a feasibility report has been approved by the Secretary of the Interior and his project proposal will be submitted to the President.

Notice of this request was sent by the Board to all persons and agencies known by the Board to be interested. One agency responded by stating that there was no objection to an extension of time being granted for the time requested. No other responses were received within the 30 day period allowed.

It appearing that the requested extension of time would be in the public interest and in conformity with the purpose of the assignment and with the permits which have been issued, it is ordered that the time within which congressional authorization of the Allen Camp Unit Central Valley Project must be obtained pursuant to the assignment by the California Water Commission to the United States Bureau of Reclamation of the aforesaid applications, is extended to December 31, 1974, or such further time as this Board may approve.

Dated: April 13, 1971

K. L. Woodward
K. L. Woodward, Chief
Division of Water Rights

2-1-80 Name chgd to U.S. Water + power Res. Service
1-21-82 Asgd to State Water Resources Control Board

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT NO. 15701

Application 20532 of The United States of America OVER

c/o United States Department of the Interior, Bureau of Reclamation, Region 2
P. O. Box 15011, Sacramento, California 95813

filed on December 19, 1961, has been approved by the State Water Resources Control Board
SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Pit River

Sacramento River

2. Location of point of diversion:

	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
Diversion - Allen Camp Dam S80°30'E, 2,090' from NW corner of Section 2	NE ¼ of NW ¼	2	40N	7E	MD
Rediversion - Lookout Diversion Dam S35°30'W, 1,280' from NE corner of Section 22	NE ¼ of NE ¼	22	39N	7E	MD
Pumping Plant No. 1 N0°01'W, 2,400' from SE corner of Section 2	NE ¼ of SE ¼	2	39N	7E	MD
Pumping Plant No. 2 S40°30'W, 1,300' from NE corner of Section 11	NE ¼ of NE ¼	11	39N	7E	MD
Pumping Plant No. 3 N21°30'W, 2,760' from SE corner of Section 11	SW ¼ of NE ¼	11	39N	7E	MD
Pumping Plant No. 14 (Bieber) S23°30'W, 950' from NE corner of Section 22	NE ¼ of NE ¼	22	38N	7E	MD

County of Modoc

3. Place of use: Allen Camp Reservoir in T40N, R7E; T41N, R7E, and T41N, R8E; National
Wildlife Refuge in T38N, R7E; T38N, R8E; T39N, R7E; and T39N, R8E; and irrigation
of 28,814 acres within a gross area of 56,158 acres in T37N, R7E; T37N, R8E; T38N,
R7E; T38N, R8E; T39N, R7E; T39N, R8E; T39N, R9E; T40N, R7E; and T40N, R8E; MDB&M,
as shown on map on file with the State Water Resources Control Board.

4. Purpose of use: Irrigation, domestic, stockwatering, municipal, industrial,
recreational, and wildlife enhancement.

5. The water appropriated shall be limited to the quantity which can be beneficially used, and shall not exceed 155,000 acre-feet per annum by storage to be collected from about September 1 of each year to about June 15 of the succeeding year.

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

6. The maximum quantity herein stated may be reduced in the license if investigation warrants.

7. Actual construction work shall begin on or before June 1, 1969, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.

8. Said construction work shall be completed on or before December 1, 1983.

9. Complete application of the water to the proposed use shall be made on or before December 1, 1983.

10. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Resources Control Board until license is issued.

11. All rights and privileges under this permit including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

12. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

13. The total quantity of water diverted to storage pursuant to permits issued on April- cations 5643A, 14602 and 20532 shall not exceed 190,000 acre-feet per annum.

14. Water entering the reservoir or collected in the reservoir during and after the current storage season shall be released into the downstream channel to the extent necessary to satisfy downstream prior rights and/or to the extent that appropriation of water is not authorized under this permit.

15. In accordance with the requirements of Water Code Section 1393, permittee shall clear the site of the proposed reservoir of all structures, trees, and other vegetation which would interfere with the use of the reservoir for water storage and recreational purposes.

16. Subject to the existence of long-term water delivery contracts between the United States and public agencies and subject to the compliance with the provisions of said contracts by said public agencies, this permit is further conditioned as follows:

(a) The right to the beneficial use of water for irrigation purposes, except where water is distributed to the general public by a private agency in charge of a public use, shall be appurtenant to the land on which said water shall be applied, subject to continued beneficial use and the right to change the point of diversion, place of use, and purpose of use as provided in Chapter 10 of Part 2 of Division 2 of the Water Code of the State of California and further subject to the right to dispose of a temporary surplus.

(Term 16 continued on Supplemental page.)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriation of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

STATE WATER RESOURCES CONTROL BOARD

Dated: SEP 30 1968

K. J. Woodward
Chief, Division of Water Rights

Application 20532
Supplement
Permit Terms continued

(b) The right to the beneficial use of water for irrigation purposes shall, consistent with other terms of this permit, continue in perpetuity.

17. This permit does not include water originating in the Goose Lake Basin.

18. No water shall be diverted under this permit at any time that the water available for diversion at Pit No. 3 power plant of Pacific Gas and Electric Company is less than 3,000 cubic feet per second as set forth in License 600 (Application 1891).

19. This permit shall be subject to "Memorandum of Agreement for the Protection and Preservation of Fish and Wildlife and Recreational Resources of the Pit River, and Big Valley, in Modoc and Lassen Counties, as Affected by the Construction and Operation of the Proposed Allen Camp Dam and Related Works, and Various Diversions Proposed Under the Above Entitled Applications" dated December 8, 1966, filed with the State Water Resources Control Board, to the extent the provisions thereof are within the jurisdiction of the Board.

0140300
AMENDED BY SUPPLEMENT TO
AGREEMENT DATED DEC. 22, 1969
REC'D APRIL 8, 1970

20. This permit shall be subordinate to all lawful uses of water in the Pit River watershed above Allen Camp Dam which were commenced prior to October 2, 1964, the date of assignment of Applications 5643A and 20532 to the United States Bureau of Reclamation.

21. Rights acquired under this permit shall be subordinate to uses of water in the Pit River watershed above Allen Camp Dam commenced subsequent to October 2, 1964, under assigned portions of Application 5643 or other lawful appropriations, regardless of the dates on which they were initiated, to the extent of 13,700 acre-feet annual average reduction of beneficially usable inflow to Allen Camp Reservoir.

22. Before making any change in the project determined by the State Water Resources Control Board to be substantial, permittee shall submit such change to the Board for its approval in compliance with Water Code Section 10504.5(a).